

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TENNESSEE

|   |   |                             |
|---|---|-----------------------------|
| <b>SNMP RESEARCH, INC. and SNMP</b>       | ) |                             |
| <b>RESEARCH INTERNATIONAL, INC.,</b>      | ) |                             |
| <b>Plaintiffs,</b>                        | ) |                             |
| <b>v.</b>                                 | ) |                             |
|   | ) | <b>Case No. 3:20-cv-451</b> |
| <b>Broadcom Inc.</b>                      | ) |                             |
| <b>Brocade Communications Systems LLC</b> | ) | <b>Jury Demanded</b>        |
| <b>Extreme Networks, Inc.</b>             | ) |                             |
|   | ) |                             |
| <b>Defendants.</b>                        | ) |                             |

---

**JOINT MOTION FOR NEW TRIAL DATE AND OTHER RELIEF**

---

COME now all parties jointly, by and through counsel, and move this Honorable Court for a new trial date and new pretrial conference date in this matter and for other relief as this Court may deem appropriate. In support whereof, the parties would show this Court as follows:

1. On October 15, 2021, this Court entered a Scheduling Order in this matter. [Dkt. 106.]
2. Among other dates and deadlines, the Scheduling Order provides that the final pretrial conference is now set to occur on October 17, 2022, and the trial is set to occur on November 1, 2022, and is expected to last three weeks. *Id.*
3. Lead trial counsel for Plaintiffs SNMP Research, Inc. and SNMP Research International, Inc., Morgan Chu, has a conflict with these dates due to a federal court jury trial in another case that will begin on November 7, 2022, with a corresponding pretrial conference on October 28, 2022.
4. Counsel for Defendants Broadcom Inc. ("Broadcom") and Brocade Communications Systems LLC ("Brocade") also has a conflict with these dates due to a trial scheduled to

begin in another case on November 1, 2022, which is expected to take up most of the month of November 2022.

5. The parties have conferred and determined that the following trial dates are available for all counsel of record in this matter as well as their respective clients: January 31, 2023, February 7, 2023, and February 28, 2023.
6. The parties hereby jointly request that this Court move the trial of this case from November 1, 2022 to one of the foregoing three proposed dates on which all parties are available and that the Court also move the pretrial conference date in this case to a new date in accordance with the Court's standard schedule, or at a minimum after November 30, 2022, in order that lead counsel for all parties can attend the trial and the pretrial conference in this matter.
7. The parties submit that the interests of justice are served by, and no party is prejudiced by, the granting of the parties' request for a new trial date and a new pretrial conference date.
8. Should the Court see fit to grant the parties' joint request for a new trial date and a new pretrial conference date, Defendants Broadcom, Brocade, and Extreme Networks, Inc. also request that the remaining pretrial deadlines set by this Court's current Scheduling Order be adjusted to relate to the new trial date. Based on the timing set forth in current case schedule, the revised case schedules for each of the new proposed trial dates are provided below.

For the trial date of **January 31, 2023**, the new case deadlines would be:

|  |                    |
|--|--------------------|
| Plaintiffs' Expert Testimony Disclosure Deadline | July 12, 2022      |
| Defendants' Expert Testimony Disclosure Deadline | August 9, 2022     |
| Deadline to file Final Witness List              | August 23, 2022    |
| Discovery Deadline                               | September 20, 2022 |
| Deadline to make Pretrial Disclosures            | December 13, 2022  |

|   |                   |
|---|-------------------|
| Deadline to Amend Pleadings                 | July 12, 2022     |
| Deadline to file Dispositive Motions        | October 18, 2022  |
| Deadline to file <i>Daubert</i> Motions     | October 18, 2022  |
| Deadline to file Motions in Limine          | December 20, 2022 |
| Special Requests to Instruct for Jury Trial | January 10, 2023  |
| Final Pretrial Conference                   | January 16, 2023  |
| Deadline to Disclose Courtroom Technology   | January 16, 2023  |

For the trial date of **February 7, 2023**, the new case deadlines would be:

|  |                    |
|--|--------------------|
| Plaintiffs' Expert Testimony Disclosure Deadline | July 19, 2022      |
| Defendants' Expert Testimony Disclosure Deadline | August 16, 2022    |
| Deadline to file Final Witness List              | August 30, 2022    |
| Discovery Deadline                               | September 27, 2022 |
| Deadline to make Pretrial Disclosures            | December 20, 2022  |
| Deadline to Amend Pleadings                      | July 19, 2022      |
| Deadline to file Dispositive Motions             | October 25, 2022   |
| Deadline to file <i>Daubert</i> Motions          | October 25, 2022   |
| Deadline to file Motions in Limine               | December 27, 2022  |
| Special Requests to Instruct for Jury Trial      | January 17, 2023   |
| Final Pretrial Conference                        | January 23, 2023   |
| Deadline to Disclose Courtroom Technology        | January 23, 2023   |

For the trial date of **February 28, 2023**, the new case deadlines would be:

|  |                    |
|--|--------------------|
| Plaintiffs' Expert Testimony Disclosure Deadline | August 9, 2022     |
| Defendants' Expert Testimony Disclosure Deadline | September 6, 2022  |
| Deadline to file Final Witness List              | September 20, 2022 |
| Discovery Deadline                               | October 18, 2022   |
| Deadline to make Pretrial Disclosures            | January 10, 2023   |

|   |                   |
|---|-------------------|
| Deadline to Amend Pleadings                 | August 9, 2022    |
| Deadline to file Dispositive Motions        | November 15, 2022 |
| Deadline to file <i>Daubert</i> Motions     | November 15, 2022 |
| Deadline to file Motions in Limine          | January 17, 2023  |
| Special Requests to Instruct for Jury Trial | February 7, 2023  |
| Final Pretrial Conference                   | February 13, 2023 |
| Deadline to Disclose Courtroom Technology   | February 13, 2023 |

9. In light of Plaintiffs' lead trial counsel's conflict, Plaintiffs' request to reschedule the trial and pretrial conference is not contingent on adjusting the remaining pretrial deadlines. That said, Plaintiffs do not oppose Defendants' request to adjust the remaining pretrial deadlines in accordance with this Court's standard schedule should this Court grant the parties' joint request to reschedule the trial and pretrial conference dates.

WHEREFORE, for the grounds as are stated herein, the parties hereto jointly ask this Court to move the trial date and pretrial conference date in this case from October 17, 2022, and November 1, 2022, respectively, to a future date that is convenient for all parties and their counsel; i.e., January 31, 2023, February 7, 2023, or February 28, 2023. Further, if this Court grants the parties' joint request and sets this case for trial on a new date, then the Court should also adjust all remaining pretrial deadlines to align with the new trial date and new pretrial conference date in accordance with this Court's standard schedule.

**Respectfully submitted this 28th day of October 2021.**

/s/ John L. Wood

John L. Wood, Esq. (BPR #027642)  
Cheryl G. Rice, Esq. (BPR #021145)  
Rameen J. Nasrollahi, Esq. (BPR #033458)  
EGERTON, McAfee, ARMISTEAD  
& DAVIS, P.C.  
900 S. Gay Street, Suite 1400  
P.O. Box 2047  
Knoxville, TN 37902  
(865) 546-0500 (phone)  
(865) 525-5293 (facsimile)  
jwood@emlaw.com  
crice@emlaw.com  
rnasrollahi@emlaw.com

Morgan Chu (CA Bar. No. 70446)  
David Nimmer (CA Bar. No. 97170)  
A. Matthew Ashley (CA Bar. No. 198235)  
Olivia L. Weber (CA Bar. No. 319918)  
IRELL & MANELLA LLP  
1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067-4276  
(310) 277-1010 (phone)  
(310) 203-7199 (facsimile)  
mchu@irell.com  
dnimmer@irell.com  
mashley@irell.com  
oweber@irell.com

*Attorneys for Plaintiffs*  
*SNMP RESEARCH INTERNATIONAL, INC. and*  
*SNMP RESEARCH, INC.*

/s/ Alison Plessman

Alison Plessman (CA Bar No.250631)  
HUESTON HENNIGAN LLP  
523 W. 6<sup>th</sup> Street, Suite 400  
Los Angeles, CA 90014  
(213) 788-4340 (phone)  
(888) 775-0898 (facsimile)  
aplessman@hueston.com

*Attorneys for Defendants Broadcom Inc.*  
*Brocade Communications Systems LLC*

/s/ John M. Neukim

John M. Neukom (CA Bar No. 275887)  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
515 University Avenue, Suite 1400  
Palo Alto, California 94301  
(650) 470-4500  
john.neukom@skadden.com

Leslie A. Demers (NY Bar No. 5261904)  
One Manhattan West  
New York, New York 10001  
(212) 735-3000  
leslie.demers@skadden.com

*Attorneys for Defendant Extreme Networks, Inc.*